

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 8, 1999
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present. Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Mayer Elassi, Islamic Faith.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes --approved The minutes of the regular meeting of , May 25, 1999 were approved 7 to 0.

AWARDS AND PRESENTATIONS

SERVICE CITATIONS Distinguished Service Citations were given to those present.

AWARDS-- Youth Community Service Awards were given to Wichita's Promise.

RECOGNITION National Small Business Owner of the Year was recognized.

PROCLAMATIONS Proclamations previously approved were presented.

OFF AGENDA ITEM HOG FARMING ISSUE.

Motion -- carried Knight moved that the rules be set aside and a matter be taken up off the Agenda. Motion carried 7 to 0.

Mayor Knight Mayor Knight said the hog farming issue has implications to the whole State. Mayor Knight requested that the City Planning, Water and Sewer, and Health Departments to look at the issue and assess and return with a summary of whether or not the City should be concerned and what the City's position on this matter should be.

PUBLIC AGENDA

JACQUELINE BLAKNEY Comments by Jacquelyn Blakney.

Ms. Blakney reviewed problems the Blakneys have with construction work being performed on the garage at 211 West Bayley. Ms. Blakney said they would not accept this kind of construction and wanted the same quality as the original construction.

Steve Lackey Director of Public Works responded to questions from the Council and stated that the contractor's estimate was for \$10,000 and that \$9,400 had been spent to date.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 352

Council Member Cole Council Member Cole said she sensed frustration from both sides and asked that the Council look into empowering the City Manager to examine the possibility of allocating \$2,500 to \$3,000 to finish the project. The owners could have the additional funds to have the garage finished as they would like.

Motion -- Knight moved that the rules be set aside and a matter be taken up off the Agenda.
-- carried Motion carried 7 to 0.

Motion -- Cole moved that the City Manager, or his designee, be empowered to meet with the Blakneys with the goal to provide additional funds up to \$3,000 to complete the project; the funds be presented to the Blakneys to resolve the problems; and City Staff be withdrawn from negotiations.
-- carried

UNFINISHED BUSINESS

MAPLE HILL WDS PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE MAPLE HILL ADDITION. (District V)
Deferred from April 6, 1999 meeting.

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 99-519.

On April 6, 1999, the City Council considered a Petition to extend City water service to the Maple Hill neighborhood. At the request of the affected property owners, the Council deferred action for 60 days. Staff has since provided all owners of property in the improvement district additional information about costs associated with the project.

The Petition was signed by 91 of 135 (67.4%) owners representing 60.6% of the improvement district area. CPO Council 5 considered the Petition on March 10, 1999. The Council voted 5-2 to recommend approval subject to deleting two lots and reducing the assessment for two other ownerships from two assessment shares to one assessment share each.

O'Dell-White Addition is located in the south portion of the improvement district and consists of two large residential lots. The owners of the two lots appeared at the CPO meeting and requested that their property be deleted from the improvement district. Staff recommends that these two lots be removed and that the total cost of the project be reduced accordingly. Owners of two other homes asked that their assessments be reduced from two shares to one share because their homes each occupy two lots. Staff requests that the Council determine if it wants to assess these owners for each platted lot or per ownership that encompasses two platted lots.

The estimated project cost is \$300,000, with the total assessed to the improvement district. The method of assessment is the equal share basis. The estimated assessment to individual properties is \$4,110 if all platted lots are assessed an equal share and \$4,225 if each of the owners of the two platted lots are given one assessment.

Motion -- Martz moved that the Petition with the reduced improvement district be approved; the method of assessing the two locations where one owner owns two platted lots be per ownership that encompasses two platted lots; the Resolution be adopted; and the Staff Screening & Selection Committee be authorized to select a design engineer.
-- carried Motion carried 7 to 0.

RESOLUTION NO. R-99-194

A Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89376 (south of Maple, west of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

PAVE 27TH SOUTH PETITION TO PAVE 27TH STREET SOUTH, BETWEEN CUSTER AND ST. PAUL. (District IV)
Deferred from April 20, 1999 meeting.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 353

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-520.

On April 20, 1999, the City Council considered a Petition to pave 27th Street South between Custer and St. Paul. The Council deferred action so that affected property owners and CPO Council 4 could consider proposals to modify the improvement district to reduce assessments to Burnham Products, a manufacturing facility located north of 27th Street South. The original Petition would have assessed Burnham Products for 60% (\$48,270) of the project cost. A second Petition filed on April 14, 1999 reduces the Burnham Products assessment to 20% (\$17,730). Burnham Products has requested that its assessment be further reduced to \$10,000. CPO Council 4 considered the three proposals on May 13, 1999. The Council voted 4-1 to recommended approval of Petition #2 (\$17,730 Burnham Products assessment).

27th Street South, between Custer and St. Paul, is a sand road that provides access to a mixed-use area comprised predominately of residential and industrial property. Staff prepared the first Petition and established the proposed improvement district based on the usual policy of generally assessing each property for both a front street and a side street and drawing the improvement district boundaries mathematically 1/2 of the distance to the next parallel street. In this case, the next parallel street north of this section of 27th Street is Crawford and is approximately 1200 feet north. Although the north improvement district boundary is not exactly 1/2 the distance between 27th and Crawford, it matched the south improvement district boundary established for Crawford between Custer and St. Paul when this section of Crawford was paved. This resulted in a lot owned by Burnham Products being included in the improvement district and having slightly over 60% of the area in the improvement district.

The second Petition shifted the northerly limit of the improvement district to roughly 1/2 way between 27th Street and Casado, thereby reducing Burnham's area to approximately 20% of the total. This resulted in a 63% reduction in Burnham's proposed assessment and a 96% increase for the remaining residential properties.

The estimated cost of the project is \$98,000 with \$86,000 assessed to the improvement district and \$12,000 paid by the City. The proposed method of assessment is the square foot basis. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.

Original Petition: Residential assessment rate of \$00.16 per square foot.
Burnham Products assessed \$48,270.

2nd Petition: Residential assessment rate of \$00.31 per square foot.
Burnham Products assessed \$17,730.

Burnham Proposal: Residential assessment rate of \$00.34 per square foot.
Burnham Products assessed \$10,000.

Motion --
-- carried

Gale moved that the Petition #2; be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

RESOLUTION NO. R-99-195

A Resolution of findings of advisability and Resolution authorizing improving of 27th Street South from the east line of Custer to the west line of St. Paul in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CU-517

CU-517 - CONDITIONAL USE TO ALLOW CORRECTIONAL PLACEMENT RESIDENCE, LIMITED ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF FUNSTON AND GEORGE WASHINGTON BOULEVARD.

Deferred from May 11, 1999 meeting.

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-458 A.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 354

MAPC Recommendation: Approve, subject to conditions (8-0).
Staff Recommendation: Approve, subject to conditions.
CPO Recommendation: Approve, subject to staff recommendations (4-2).

The applicant is requesting a Conditional Use for a ? Correctional Placement Residence? to operate a chemical dependency residential treatment facility, including the treating of individuals or offenders who fit within the criteria of a correctional placement resident. The facility is located at the northeast corner of Funston and George Washington Drive, along George Washington Boulevard, and has 64 beds. The property is currently zoned ? LC? Limited Commercial. Correctional placement residences are allowed as a permitted use of ? right? in areas zoned LC, as well as other commercial and industrial districts, except when the property is located within 750 feet from a residential zone (unless it is separated by a major barrier). In this case a correctional placement residence requires a Conditional Use permit. In this request, the facility is located adjacent to ? TF-3" Two Family property on the north, east, and south.

The facility is located on a site of approximately ? acre and was used previously as a nursing home. Parallax has been operating as a chemical dependency program for 30 years and has been located at this site since April 1994. According to the applicant, the majority of its clientele has been referred by hospitals, SRS, and families for treatment. A small proportion of the clientele also fit within the criteria of a correctional placement resident due to previous offenses such as DUI. The operator stated that he only has had clients with less serious offenses such as DUI. The operator is willing to restrict the clientele to having no more than 20% of the total population fall in the category of individuals or offenders who fit within the criteria of a correctional placement resident, which would be no more than 10 individuals at any given time. This would be within the limits of the Unified Zoning Code definition of ? Correctional Placement Residence, Limited? which allows between 3 and 15 individuals at any given time.

The applicant also is seeking a variance for reduction in parking spaces required. This case will be heard by the Board of Zoning Appeals on April 23, 1999.

Adjoining land uses near the facility include single-family residences located to the north, east and south. They are zoned ? TF-3", Two-family Residence. Self-storage units, zoned ? GC? , General Commercial, and part of C.U.P. 212 are located to the west of George Washington Blvd. A retail strip center, zoned ? LC? , Limited Commercial, is located to the north, west of the single-family homes.

At the CPO(3) hearing held on April 8, 1999, the CPO Council voted 4-2 to recommend approval. The Applicant, Milt Fowler, Director of Parallax Program, Inc., stated that the program offers services to low and no income individuals for chemical and drug dependency and does not accept state parolees. Nile Dillmore, a member of the Alternative Correctional Housing Board, explained that Parallax was contacted last summer to comply with the new correctional placement ordinance, and that the request, if approved, would not change the operation of the Parallax program or change the character of the neighborhood. Kurt Schroeder, Superintendent of Central Inspections, indicated that the number of individuals who fall under the definition of correctional placement resident has ranged from none to six over the past few months. There were approximately 16 citizens who spoke at the meeting. Citizens raised concerns about the type of individuals that would be allowed in the program, and problems with parking, speeding, trash and a bad atmosphere in the neighborhood for family. The nearby commercial property tenants indicated that they were generally happier with Parallax than the previous occupants, but there were some parking issues. Mr. Fowler agreed to an additional condition to make the Conditional Use permit renewable at the end of five (5) years.

At the MAPC hearing held April 15, 1999, General Condition "C" limiting Parallax to accepting no more than ten correctional placement residents at any given time, was revised to restrict the acceptance of individuals or offenders to only those who are under court jurisdiction for traffic or misdemeanor offenses. Mr. Fowler stated that he was agreeable to this limitation. No citizens spoke at the hearing. MAPC voted 8-0 to approve. Petitions have been received protesting the proposed Conditional Use from owners representing 35 % of the property within 200 feet of the site, triggering the requirement for the City Council to consider the case, and triggering the requirement for a 6/7th majority vote of the membership to approve the Conditional Use.

At the May 11, 1999, City Council meeting, the item was deferred for 30 days for Council Member Lambke to meet with residents and the applicant to find conciliatory resolution. Parallax intends to begin a newsletter in July that will be distributed to residents generally located within a block of the facility to improve communications, and intends to install a fence and landscaping at the site in conformance with conditions recommended by the MAPC.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 355

Motion --

Lambke moved that the Council concur with the findings of the MAPC and approve the Conditional Use to allow a Correctional Placement Residence; subject to recommended conditions and the addition to "Condition (d)" that the fencing and landscaping required be installed within 90 days. Motion carried 7 to 0.

-- carried

NEW BUSINESS

Council Member Rogers left the Bench.

STREET CLOSURE

STREET CLOSURE: ST. LOUIS STREET AND MERIDIAN. (District IV)

Randy Hoskins

Traffic Engineer reviewed the Item.

Agenda Report No. 99-521.

Traffic Engineering was contacted by residents adjacent to St. Louis Street requesting that the street be closed at Meridian to limit the amount of traffic on the road. The street is currently an unpaved road on railroad right-of-way. The railroad has expressed interest in the past to get the street removed from their right-of-way.

Neighborhood residents are concerned with the speed of traffic on St. Louis and the impacts of safety on their children. They also noted that vehicles kick up dust and throw rocks when coming off of Meridian. After discussing the situation with Traffic Engineering, the residents passed a petition to the adjacent properties and got them to sign off in agreement with closing the street.

The closure request was taken to CPO 4 on May 12, 1999. Four calls were received in favor of the closure, none opposed. One person was present at the meeting to speak in opposition to the closure. The speaker was the owner of several properties in the area and stated that she did not favor the closure because she uses the street on a regular basis. She also noted that property owners did not sign the Petition. Only one signature on the petition was by a property owner. Staff responded that in the past, it has been the policy of the Traffic Commission to accept signatures of either tenants or owners. The CPO approved the closure unanimously.

The Traffic Commission heard the item at their May 19, 1999 meeting. The property owner who had opposed the closure at the CPO meeting was again in attendance, bringing a Petition signed by 19 people who opposed the closure. In addition to the inconvenience previously stated, the Petition also mentioned the poor condition of the 3rd and Richmond intersection as a reason to not approve the closure. The Traffic Commission voted unanimously to approve the closure, also recommending that consideration be given to improving the intersection of 3rd and Richmond.

Staff supports this closure. This unpaved street on railroad right-of-way plays a minimal role in the overall transportation system. Access control along Meridian is improved by removing this intersection, which will improve the safety and operation of Meridian. The street will remain in place to serve the adjacent alley and the two residences that access off of it.

This closure is proposed as part of the upcoming Meridian project. As such, it will result in minimal, if any, cost to the City.

Motion -- carried

Cole moved that the street closure be approved. Motion carried 6 to 0. (Rogers absent)

13TH ST. MEDIAN

13TH STREET MEDIAN REMOVAL. (District V)

Randy Hoskins

Traffic Engineer reviewed the Item.

Agenda Report No. 99-522.

A request was received from SSI Sprinkler Systems and Country Acres Baptist Church to remove the raised median in 13th Street west of Ridge Road. SSI noted that people entering and leaving its business were unable to

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 356

make left turns. The Church stated that its parking lot was frequently used as a turn around for motorists on Northwest Parkway that wanted to travel to the east.

The existing median was installed to limit left turning movements from the streets and driveways near the intersection of Ridge Road and 13th Street. By limiting the number of movements that a driver will encounter near high volume intersections, drivers are able to more easily concentrate on getting through the intersection and traffic flows more smoothly and safely. A secondary benefit of the median is that it has helped limit the amount of traffic on Northwest Parkway, a residential street. Since vehicles are unable to make left turns onto or off of this street, it has not been used as extensively as it might have otherwise. This was a great concern with neighbors during the Planning Commission review of the Sluggers facility, located north of 13th between Ridge and Northwest Parkway.

CPO 5 reviewed this item at its April 14 meeting and voted in favor of removing the median. The Traffic Commission heard this item at its meetings in April and May. At the April meeting, no one was present to discuss the item, either in favor or in opposition. A petition with the names of nine people who wanted the median left in place was presented. The Commission voted unanimously to leave the median in place. At the May meeting, a number of residents and representatives of the two entities requesting the median removal were in attendance. They also brought almost 300 signatures supporting the removal of the median. Phone calls to Traffic Engineering found six callers against removal and thirteen calls for removal. The Traffic Commission reversed its previous recommendation and voted to remove the median.

The cost to remove the median, repave and restripe the street would be approximately \$25,000.

Council Member Martz Council Member Martz said there were about 300 people involved who were in favor of the removal and 9 people who were against.

Randy Hoskins Traffic Engineer said he did not feel too strongly regarding this median because of the location and traffic situations.

Motion -- Martz moved that the request be approved pending proper notification to the people in the area that the project will
-- carried be paid for by special assessments. Motion carried 6 to 0. (Rogers absent)

Council Member Rogers present.

IRB - CESSNA PUBLIC HEARING AND REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS - CESSNA AIRCRAFT COMPANY. (District III &V)

Brad Boswell Finance Department reviewed the Item.

Agenda Report No. 99-523.

On December 3, 1996, City Council approved a five-year Letter of Intent in an amount not to exceed \$200 million to the Cessna Aircraft Company. Council also approved a ten-year 100% property tax abatement for property financed with IRBs. Proceeds from the bonds are being used to expand and equip facilities located at One Cessna Boulevard and 5800 E. Pawnee. Cessna is now requesting the 1996 Letter of Intent be extended to December 31, 2003 for the remaining expenditure authority. In addition, Cessna is requesting a new Letter of Intent with a five-year term for Industrial Revenue Bonds in the amount of \$600 million, and a five-plus-five-year 100% tax exemption on ad valorem taxes for personal and private property financed with the bond issue.

Cessna has \$98,470,000 currently available under the 1996 Letter of Intent authority. Reinstatement and extension of the 1996 Letter of Intent until December 31, 2003 will allow opportunity to fully expend remaining bond proceeds.

Cessna is now requesting a new Letter of Intent in the amount of \$600 million for a five-year period. Under the proposed new project, proceeds from the bond sales will be utilized for the expansion and upgrading of facilities and equipment to accommodate the increased personnel (over 2,500 new jobs during 1997-1998) and space required to develop and deliver the increasing product line and volume of sales. Improvements planned during the 1999-2003 period at Cessna One property, located at One Cessna Boulevard and 5800 E. Pawnee, include

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 357

renovations and upgrades to parts warehousing, aircraft completion, engineering, assembly, and the Pawnee facility manufacturing expansion. Substantial investment in new manufacturing

Equipment is also planned. The expanded facilities and upgraded equipment are primarily focused on the manufacture of the Citation CJ2 and Citation Sovereign models. Reentry into the single engine piston aircraft market will also result in increased manufacturing and additional jobs in Wichita. The estimated uses of bond proceeds are as follows:

USES OF FUNDS

* Facilities - New	\$111,000,000
* Facilities - Renovated	80,000,000
* Machinery, equipment, tooling, property	409,000,000
Total :	\$600,000,000

The bonds will be offered for public sale. Cessna is currently selecting a broker for the bond issue. Cessna agrees to maintain an approved EEO/AA Plan on file with the City's Office of Civil Rights and Services.

Cessna Aircraft Company agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. A cost/benefit analysis conducted by the Wichita State University Center for Economic Development and Business Research identifies cost-to-benefit ratios as City 1.54 to 1; Sedgwick County 1.44 to 1; USD 259 1.02 to 1; State of Kansas 5.96 to 1.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Martz moved that the public hearing be closed; reinstatement and extension of the 1996 Letter of Intent to December 31, 2003; a five-year Letter of Intent to issue Industrial Revenue Bonds in the amount of \$600 million; and a five-year property tax exemption plus a second five years based on City Council review be approved subject to the Standard Letter of Intent Conditions. Motion carried 7 to 0.

-- carried

(The following Item was considered later in the meeting. Action is shown in Agenda order.)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 99-524.

On April 20, 1999 a report was submitted with respect to the dangerous and unsafe conditions of the buildings located on four (4) properties. The Council adopted a resolution providing for a public hearing to be held on these condemnation actions at 11:00 a.m. on June 8, 1999.

On April 5, 1999, the Board of Code Standards and Appeals (BCSA) held hearings on the following properties:

Property Address

Property Address	Council District
320 W. Elm	6
. 334 N. Madison	1
. 1906 N. Jackson	6
. 3201 E. Roseberry	3

Pursuant to State Statute the Resolutions were duly published twice on April 21, 1999, and April 28, 1999. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared on 3220 West Elm or 334 North Madison.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 358

Motion -- Cole moved that the public hearing be closed; the resolutions declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-99-196

A Resolution finding that the structure located on Lot 29, Davis Gardens Addition to Wichita, Sedgwick County, Kansas, commonly known as 3220 West Elm, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Cole moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

Motion -- Rogers moved that the public hearing be closed; the resolutions declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-99-197

A Resolution finding that the structure located on the north 42 feet of Lot 9, on Second Street in Busch's Subdivision, of Lot 6, Butler and Fisher's Outlots to the City of Wichita, Sedgwick County, Kansas, commonly known as 334 North Madison, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Rogers moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

1906 North Jackson

Kurt Schroeder Superintendent of Central Inspection reviewed the Item.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

Jose Romero Jose Romero said he had been trying to get caught up on bills and would have no money until the end of the month. He has a dumpster at the address and is getting the area cleaned up.

Council Member Cole Council Member Cole said this property has been a condemnation case since 1995. The property owner has also been out of jail since February and has had ample opportunity to contact OCI to make arrangements. This has not happened.

Motion -- Cole moved that the public hearing be closed; the resolutions declaring the building(s) dangerous and unsafe structures be adopted, an additional 30 days be granted to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid in 7 days and taxes kept current, (2) the structures are to be kept secured, and (3) the premises to be cleaned within 7 days, and are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-99-198

A Resolution finding that the structure located on the south 12.5 feet of Lot 42 and all of Lot 44, Block 3, on Jackson Avenue, Carey Park, Sedgwick County, Kansas, commonly known as , Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Cole moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 359

3201 East Roseberry

- Kurt Schroeder Superintendent of Central Inspection reviewed the Item.
- Mayor Knight Mayor Knight inquired whether anyone wished to be heard.
- Ms. Ellis Ms. Ellis, property owner, said she has a buyer for the property and thought the paper work could be done sometime this week.
- Motion -- Lambke moved that the public hearing be closed; the resolutions declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings.
- Marge Marge, Ms. Ellis's sister said Ms. Ellis has been ill. The family does not have much man power or money.
- The new owner plans to fix up the property for his son to live in.
- carried Motion carried 4 to 3. Pisciotte, Rogers, Knight - No.

RESOLUTION NO. R-99-199

A Resolution finding that the structure located on Lot 1, Block J, Planeview Subdivision No. 1, Sedgwick County, Kansas, commonly known as 3201 East Roseberry, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 4 to 3. Yeas: Cole, Gale, Lambke, Martz,. Nays: Pisciotte, Rogers, Knight.

(The following Item was taken up later in the meeting. Action is shown in Agenda order.)

UTILITY BONDS

WATER AND SEWER SYSTEM UTILITY REVENUE BONDS, SERIES 1999.

Kelly Carpenter Assistant Finance Director reviewed the Item.

Agenda Report No. 99-525.

The City is offering for sale one series of Water and Sewer Utility System Improvement Revenue Bonds totaling \$48,950,000, for the purpose of providing permanent financing for duly authorized capital improvement projects of the City's Water & Sewer Utility System. Sealed bids for the aforementioned Bonds will be received by the City at the City Council Office until 10:30 a.m. on June 8, 1999, at which time all proposals will be publicly opened and considered for the purchase of the above captioned Bonds.

The proceeds of the Series 1999 Bonds will be used to permanently finance various improvements to the water utility system and sanitary sewer utility system, located throughout the City and surrounding areas, all of which have been previously approved for bonding by action of the City Council. The proceeds of the Series 1999 Bonds will be used to reimburse the water fund and the sewer fund for expenditures made to fund the construction cost of the projects in anticipation of bond financing.

The sealed bids will be accepted until 10:30 a.m. CST at the City Council Office, at which time the bids will be opened and read publicly by the Director of Finance or his designee. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified immediately upon being read by Finance Department staff, then tabulated and presented to the City Council at 11:30 a.m. Under the terms set forth in the Preliminary Official Statement and Notice of Bond Sale, the City must award the sale of the bonds and notes to the bidder whose proposed interest rates result in the lowest net interest cost to the City and whose bid is accompanied by the prescribed good faith deposit.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 360

The Series 1999 Bonds will mature serially over twenty years and will be paid from the net operating revenues of the combined Water and Sewer Utilities. The Series 1999 Bonds will be callable in 2006 with a 1% call premium, in accordance with the City's debt management policy.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Knight moved that the sale of the Bonds and Temporary Notes be awarded as outlined above; the Declaration of Emergency be approved and the necessary signatures be authorized; the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0

-- carried

ORDINANCE NO. 44-257

An Ordinance of the City of Wichita, Kansas, authorizing and providing for constructing, reconstructing, altering, repairing, improving, extending or enlarging of the municipal water and sewer utility; authorizing and providing for the sale and issuance of \$48,950,000 aggregate principal amount of Water and Sewer Utility Revenue Bonds, Series 1999, of the City of Wichita, Kansas, for the purpose of paying the costs thereof; prescribing the form and details of the bonds; providing for the collections, segregation and application of the revenues of the utility for the purposes authorized by law, and making certain covenants and agreements with respect thereto; and authorizing and providing for the execution and delivery of certain agreements and supporting documents. Knight moved that the Declaration of Emergency be approved and the necessary signatures be authorized; the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0.

HOME CHDO

HOME CHDO OPERATING GRANTS.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-526.

Under the terms/conditions of the HOME CHDO funding, the City allocates 15% of its annual HOME grant to non-profit Community Housing Development Organizations (CHDOs), for the purpose of developing affordable housing (CHDO set-aside funding). CHDO funding is typically allocated as part of the City's annual Consolidated Plan process. Federal regulations require that the City enter into written agreements with CHDOs for the use of this funding within two years.

Recently, a Request for Proposals (RFP) was issued in the amount of \$170,000 for CHDO set-aside funding. Proposals were received from four eligible community organizations. In the 1999 Consolidated Plan allocations, the City Council approved an additional \$50,000 for operational support funding to CHDOs. This funding will be provided in connection with eligible CHDO set-aside projects to provide operational support while the project is undertaken.

Following the established review process, a Staff panel reviewed the four proposals and made the following recommendations for CHDO set-aside funding:

Mennonite Housing Rehabilitation Services (\$62,800), to provide additional funding for a project in Orchard Breeze, one of the City's Local Investment Areas. These additional funds will be combined with \$117,200 previously allocated to MHRS for this project, and will be utilized for new construction infill, and possibly acquisition/rehabilitation. The HOME funds will also leverage other funding sources for other home rehabilitation activities in the area.

Sedgwick County Area Non-Profit Community Housing Organization (SANCHO) (\$107,200), to fund development/rehabilitation of a 5 to 12-unit apartment project in the City's Neighborhood Revitalization Area, in or near the Midtown Local Investment Area. SANCHO proposes to develop the project in such a manner as to provide affordable housing opportunities for low-income individuals with disabilities.

The Staff review panel also reviewed the CHDO operational support proposals, and makes the following recommendations:

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 361

Power CDC (\$50,000), to support operations during the development of 10-new single family residences at 2104 N. Piatt (the former Piatt Manor site) located in the City's Northeast Local Investment Area. The project will utilize HOME funds previously allocated by the Council, and will benefit families/individuals at or below 80% of the median income level.

Sedgwick County Area Non-Profit Community Housing Organization (SANCHO) (\$43,000), to support operations for the proposed development/rehabilitation of the (above) mentioned affordable housing project for individuals with disabilities.

The funding for the CHDO projects will come from 1997 CHDO set-aside funds previously allocated for CHDO challenge grants (\$120,000), and re-allocation of a previous CHDO grant allocated to Mental Health Association for a project that did not go forward (\$50,000). Operational support funding will come from the 1999 HOME funds allocated for CHDO operating funds, and partial re-allocation of HOME funds reserved for NRA Housing.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Mike Reichenberger Human Services Department, responding to questions, said one of the SANCHO properties might not be in the designated local investment areas. There are other locations in the general area being considered.

Motion -- Cole moved that the allocations be approved, with the exception that the funds for SANCHO be allocated pending approval of a specific site within the local designated investment areas, and staff be authorized to negotiate contracts for the necessary signatures. Motion carried 7 to 0.
-- carried

OFFICERS IN SCHOOLS OFFICERS IN SCHOOLS PROGRAM APPLICATION.

Chris Cherches City Manager reviewed the Item.

Agenda Report No.99-527.

Under the COPS In Schools Grant Program, administered by the federal Office of Community Oriented Policing Services, local law enforcement agencies are eligible to apply for funding to assist with the cost of hiring police officers for placement in primary or secondary schools. To receive funding under this grant program, applicants must enter into the appropriate partnership agreement with their local school district. Under this "COPS In Schools Initiative," the funding provisions have been enhanced from earlier police officer subsidy programs (which provided for a maximum of \$75,000/officer over three years, and required a 25% local match) by providing \$125,000/officer, over three years. No local match is required; however, the grant will not provide for equipment or uniforms, etc.

In 1997, the Police Department working with the Wichita Public School District, implemented School Resource Officer (SRO) program and assigned a community police officer to each of the six major public high schools. This program required no funding support from the School District. Since its implementation, the program has been declared an outstanding success. Recent discussions with the School District have resulted in a desire to expand this program into designated middle schools. To begin this program, a grant application has been prepared which would provide for the hiring of eight (8) new police officer positions through the "COPS In Schools Initiative." If the grant is funded and approved by the City Council, officers would be assigned full-time to the designated schools, except for holidays and non-school sessions. During such periods, these officers would be assigned patrol and other police duties. The program is expected to begin with the 1999 school season.

The grant application seeks full funding support for the eight police officers (\$125,000) over three years for salary and benefits. [The average three-year salary and benefits cost for a newly hired officer is \$124,047.45.] The School District has agreed to provide for the funding assistance (\$25,000) needed for equipment/uniforms, which are not eligible expenses under the grant program. The School Superintendent has agreed to work with the City in finding support for the continuation of this program after the three-year period ends. Assumption costs for 2002 are estimated to be \$199,246.48. In 2003, the first full year after the grant funding expires, the total cost is estimated to be \$379,718.24. None of these costs, however, reflect any compensation or other costs adjustments which may be made during the term of the grant.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 362

Motion --
-- carried

Cole moved that the grant application be approved and the necessary signatures, submittal, agreement negotiation, and receipt of funds be authorized,. Motion carried 7 to 0.

CITY COUNCIL AGENDA

COUNTY REPORT

REPORT ON DISCUSSION WITH COUNTY COMMISSION. (Mayor Knight)

Mayor Knight

Mayor Knight said Council Member Lambke has been the most outspoken advocate for recognizing, over and over, the need for the City and County to pull together.

Council Member Pisciotte

Council Member Pisciotte said there have been meetings with Sedgwick County and a proclamation declaring a new day and recognizing that this is one community throughout the County is being prepared.

Mayor Knight

Mayor Knight said he believed that what is emerging is the best relationship the City and County have had in twenty years.

One immediate item the City and County need to work on is a way to get west-side citizens to downtown Wichita.

No action was taken.

EXECUTIVE SESSION

Motion --

advice and the regular meeting be resumed at approximately 11:00 a.m. in the City Council Chambers. Motion
-- carried

Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, potential litigation, and legal matters privileged in the attorney-client relationship relating to pending litigation, potential litigation, and legal matters. Motion carried 7 to 0.

RECESS

The City Council recessed at 10:40 a.m. and reconvened at 11:00 a.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORTS OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 1, 1999, AND JUNE 7, 1999.

Bids were opened May 28, 1999, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains
as per specifications

Pedestrian Signal, Phase I - on Seneca at the Indian Center Museum. (472-83097/710212-A/239074) Traffic to be maintained through construction. City Council approval date: 4/27/99. (District VI)

Phillips Southern - \$18,000 (Negotiated to engineer's estimate)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's Construction estimate. Motion carried 7 to 0.

PARK & RECREATION DEPARTMENT/GOLF COURSE MAINTENANCE DIVISION: Heavy Equipment
(696047)

Modern Distributing - \$ 8,391 (Item #2/total net bid)

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 363

\$21,875 (Item #3/total net bid)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Simultaneous Inductively Coupled Plasma Optical Emissions Spectrophotometer (183582)

Perkin-Elmer Corporation - \$105,485* (Total net bid)

\$ 1,299 (Total option 1/deduct)

*Add \$1,200 freight charge

HEALTH DEPARTMENT/PERSONAL HEALTH DIVISION: Split Virus Flu Vaccine (670653)

McKesson General Medical - \$26,340 (Total net alternate bid)

Knight moved that the Contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

Bids were opened June 4, 1999, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

1998 Water Main Replacement Program Northeast south of 13th Street, east of I-135 (448-89200/634865/544141) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date 1/6/98. (District I)

Dondlinger & Sons - \$888,613.00

Left Turn Lane on Washington Street to serve Perry's Addition - at Washington, south of Lincoln. (472-83037/765550/490661) Traffic to be maintained through construction. City Council approval date 1/12/99. (District I)

Barkley Construction - \$22,240.00

Meridian Avenue, I-235 to North City Limits (87 STP-N-0116-01, 472-82789/ 706531/405207) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 7/14/98.(District VI)

Central Paving - \$1,342,941.99

Knight moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: 54,000 GVWR Cab and Chassis (184754)

Rusty Eck Ford - \$71,246.00 (Total net bid)

PARK DEPARTMENT/N/A DIVISION: Snacks for Summer of Discovery Program (174540)

Wichita Canteen Company - \$0.54 (Base bid/per snack)

Knight moved that the contracts be awarded as outlined above, same being the lowest and best bid. Motion carried 7 to 0.

LICENSE APPS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
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Don Norton	La Chinita Mexican Restaurant Inc.*	1451 North Broadway
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CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 364

(Consumption off Premises)

David W. Haubenstein	Metro Oil, Inc. dba Metro Beverage Co.	3233 North Rock Road
David W. Haubenstein	Metro Oil, Inc. dba Metro Beverage Co.	248 South Hillside
David W. Haubenstein	Metro Oil, Inc. dba Metro Beverage Co.	1622 South West Street
David W. Haubenstein	Metro Oil, Inc. dba Metro Beverage Co.	240 South West Street
David W. Haubenstein	Metro Oil, Inc. dba Metro Beverage Co.	3919 West Pawnee
David W. Haubenstein	Metro Oil, Inc. dba Metro Beverage Co.	223 East 21st
David W. Haubenstein	Metro Oil, Inc. dba Metro Beverage Co.	106 South Hydraulic
David W. Haubenstein	Metro Oil, Inc. dba Metro Beverage Co.	731 North Ridge Road
David W. Haubenstein	Metro Oil, Inc. dba Metro Beverage Co.	4003 South Broadway
David W. Haubenstein	Metro Oil, Inc. dba Metro Beverage Co.	1826 West 13th
David W. Haubenstein	Metro Oil, Inc. dba Metro Beverage Co.	960 East Pawnee
David W. Haubenstein	Metro Oil, Inc. dba Metro Beverage Co.	324 West Harry
David W. Haubenstein	Metro Oil, Inc. dba Metro Beverage Co.	851 South Meridian

New Establishment 1999 (Consumption off Premises)

Tim Heuback Quiktrip #383 11223 East Central

Special Event 6-26-99

Devin W. Hansen Old Town Association Parking Lot South of Waterman &
-Blues by the Tracks Mead

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- Knight moved that the licenses be approved subject to staff approval. Motion carried
-- carried 7 to 0

PLANS AND SPECS.

PLANS AND SPECIFICATIONS:

a. Sewer response plan: cementitious lining of brick manholes (1999 - Set 2) - south of Harry, east of Oliver. (468-82780/620259/669384) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District III)

Motion -- Knight moved that the plans and specifications be approved and advertised for bids to be submitted to the Board of
-- carried Bids and Contracts by 10:00 a.m. June 18, 1999.
Motion carried 7 to 0.

a. Broadway, Dewey to William. (87 STP-N-0061-01; 472-82412/705863/405140) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 3/2/99. (District I)

b. 25th Street North Bridge over West Branch Chisholm Creek - north of 21st Street, west of Broadway.

c. (BRN/STP-N008/901; 472-83068/715674/248082) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 6/2/98. (District VI)

Motion -- Knight moved that the plans and specifications be approved and advertised for bids to be submitted to the Board of
-- carried Bids and Contracts by 10:00 a.m. July 9, 1999.
Motion carried 7 to 0.

SUBDIVISION PLANS AND SPECIFICATIONS.

a. Lateral 379, Southwest Interceptor Sewer to serve Oakridge 2nd Addition (north of 29th Street North, east of Tyler). 468-82723/743797/480485 Does not affect existing traffic. City Council approval date: 7/15/97. (District V)

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 365

- b. Lateral 120, War Industries Sewer to serve Pebblebrook Addition (north of Pawneek, west of Webb). 468-82279/743798/480486 Does not affect existing traffic. City Council approval date: 2/23/93. (District II)
- c. Water Distribution System to serve Pebblebrook Addition (north of Pawnee, west of Webb). 448-89385/734925/470595 Does not affect existing traffic. City Council approval date: 6/15/99. (District II)
- e. Water Distribution System to serve Woodland Lake Estates 2nd Addition (north of Harry, east of Greenwich). 448-89365/743915/470585 Does not affect existing traffic. City Council approval date: 3/2/99. (District II)
- f. Storm Water Sewer 524 to serve Hunters Ridge & Pawnee Mesa Additions (north of Pawnee, west of Maize). 468-82972/751277/485168 Does not affect existing traffic. City Council approval date: 3/30/99. (District V)
- g. Water Supply Line to serve Oak Ridge 2nd Addition (north of 29th Street North, east of Tyler). 448-89151/734923/470593 Does not affect existing traffic. City Council approval date: 7/15/97. (District V)
- h. Water Distribution System to serve Oak Ridge 2nd Addition (north of 29th Street North, east of Tyler). 448-89153/734924/470594 Does not affect existing traffic. City Council approval date: 7/15/97. (District V)

Motion --

Knight moved that the plans and specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m. June 18, 1999.

-- carried

Motion carried 7 to 0.

PRELIMINARY EST.

PRELIMINARY ESTIMATES:

- a. Fire hydrant to serve North Vine, between First and Second Streets North - north of First Street, west of Seneca. (448-89251/734459/470523) Does not affect existing traffic. City Council approval date: 4/7/98. (District VI) - \$6,000.00
- b. 1999 sewer response plan raise buried manholes, Set 1. (468-82979/620254/669379) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District V) - \$137,592.65
- c. Pedestrian signal, Phase I - on Seneca at the Indian Center Museum. (472-83097/710212-A/239074) Traffic to be maintained through construction. City Council approval date: 4/27/99. (District VI) - \$20,700.00
- d. Sidewalk at the Indian Center, Phase II - south of Central, west of Seneca. (472-83097/710212-B/239074) Does not affect existing traffic. City Council approval date: 4/27/99. (District VI) - \$15,000.00
- e. Water distribution system to serve Garden Meadow Addition - north of Douglas, west of 127th Street East. (448-89355/734919/470589) Does not affect existing traffic. City Council approval date: 1/12/99. (District II) - \$21,000.00
- f. East First Street Circle from the east line of Jackson to and including the cul-de-sac - north of Douglas, west of 127th Street East. (472-83060/765572/490683) Does not affect existing traffic. City Council approval date: 1/12/99. (District II) - \$77,000.00
- g. 151st Street West from the north line of US Highway 54 North to the north line of Hendryx - north of Kellogg, east of 151st Street West. (472-82904/764944/490596) Contractor to provide access to businesses and street intersections. City Council approval date: 2/10/98. (District V) - \$208,150.00
- h. Pedestrian signal, Phase I - on Seneca at the Indian Center Museum. (472-83097/710212-A/239074) Traffic to be maintained through construction. City Council approval date: 4/27/99. (District VI) - \$20,700.00
- i. Vest pocket park at old Woolworth building site. (472-82881/791848/435213) Traffic to be maintained during construction, City Council approval date: 6/1/99. (District VI) - \$513,000.00

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 366

Motion --
-- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

DEEDS AND ESMNTS

DEEDS AND EASEMENTS:

- a. Drainage easement dated March 10, 1999, from I.C.T. Hospitality, L.L.C., for several tracts in the Bradley Fair Second Addition. Private Project Index No. 607861 (No cost to City)
- b. Drainage easement dated February 25, 1999, from Bradley Fair Two, L.L.C. and Laham Holding Company, L.L.C., for several tracts in the Bradley Fair Second Addition. Private Project Index No. 607861. (No cost to City)
- c. Drainage easement dated March 12, 1999, from Rick Thompson Construction, Inc. for several tracts in Lindsay's Orchard Addition - SWS 520. Index No. 751276. (No cost to City)
- d. Sanitary sewer easement dated March 8, 1999, from Berm, L.L.C., a Kansas Limited Liability Company, for several tracts in Auburn Hills Commercial Second Addition - 21 CIS. Index No. 743794. (No cost to City)
- e. Utility easement dated April 26, 1999, from Lake Ridge Development, L.L.C., for several tracts in the Lake Ridge Commercial Second Addition. Private Project Index No. 607861. (No cost to City)
- f. Utility easement dated February 10, 1999, from Donron, Inc. for a tract in Section 32, Township 26 South, Range 1 East. Private Project Index No. 607861. (No cost to City)
- g. Utility easement dated February 9, 1999, from Isidra U. Martinez and Guadalupe A. Martinez for a tract in Section 32, Township 26 South, Range 1 East. Private Project Index No. 607861. (No cost to City)
- h. Utility easement dated February 11, 1999 from Arthur D. Busch for a tract in Section 32, Township 26 South, Range 1 East. Private Project Index No. 607861. (No cost to City)
- i. Public utility easement dated February 1, 1999, from Village Charters, Inc., for a tract in the Village Charters Addition. (No cost to City)
- j. Utility easement dated March 1, 1999, from The Board of Education of Unified School District No. 261, for a tract in the Campus Complex Addition. (No cost to City)
- k. Utility easement dated March 16, 1999, from I.C.T. Hospitality, L.L.C., for a tract in the Bradley Fair Second Addition. (Private Project Index No. 607861. (No cost to City)
- l. Easement dated January 11, 1999, from Central Community Church of God of Kansas, Inc. for a tract in the Andria Addition. Private Project Index No. 607861. (No cost to City)
- m. Private waterline easement dated February 25, 1999, from Laham holding Company, L.L.C., for a tract in the Bradley Fair Second Addition.. Private Project - Index No. 607861. (No cost to City)
- n. Water easement dated April 28, 1999, from Nies Builder, Inc., for a tract in the Brad Boone Addition. (No cost to City)
- o. Easement dated March 8, 1999, from Furniture ROW USA, L.L.C., for a tract in the West Kellogg Power Center Addition. SWS 477. Index No. 751263. (No cost to City)
- p. Easement dated March 8, 1999, from Furniture ROW USA, L.L.C., for a tract in the West Kellogg Power Center Addition. SWS 477. Index No. 751263. (No cost to City)
- q. Drainage easement dated March 19, 1999, from Smith & Company, Inc. for a tract in Section 33, Township 27 South, Range 2 East. Index No. 707000. (No cost to City)

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 367

- r. Drainage and utility easement dated November 10, 1997 from Forest Lakes, Inc., for several tracts in the Forest Lakes Addition. - Wild Rose/Forest Lakes. Index No. 765568. (No cost to City)
- s. Drainage easement dated November 10, 1997 from Forest Lakes, Inc., for several tracts in the Forest Lakes Addition. Index No. 765568. (No cost to City)
- t. Utility and drainage easement dated January 28, 1999, from 3-AH, Inc. for several tracts in the Aberdeen Second Addition. - Cordington/Aberdeen Second Addition. Index No. 765313. (No cost to City)
- u. Utility easement dated February 3, 1999, from Harold Bauer for a tract in Section 3, Township 27 South Range 1 West - SWI 406. Index No. 743783. (No cost to City)
- v. Sanitary sewer easement dated March 17, 1999, from Bonnie J. Haynes for a tract in Section 31, Township 26 South, Range 1 East - Lateral 74, Main 17, SS#22. Index No. 743757. (No cost to City)
- w. Drainage easement dated February 24, 1999, from Kick'N Development Corporation, a Kansas corporation, for several tracts in the Lark Sixth Addition - SWS#496. Index No. 751149. (No cost to City)
- x. Dedication dated April 13, 1999, from Spring Creek Resources, L.L.C., a Kansas limited liability company, and J. William Owen, for a tract in Section 25, Township 27 South, Range 2 West. Index No. 706986. (No cost to City)
- y. Dedication dated March 29, 1999 from Michaelis Real Estate #1, L.L.C., for a tract in the Englewood Addition. Index No. 702043. (No cost to City)
- z. Dedication dated March 19, 1999 from Smith & Company, Inc. for a tract in Smithmoor First Addition. Index No. 707000. (No cost to City)

Motion --
-- carried

Knight moved that the Deeds and Easements be received and filed. Motion carried 7 to 0.

PETITIONS

PETITIONS FOR PUBLIC IMPROVEMENTS:

PAVE ILLINOIS CIRCLE AND CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE JANZEN SECOND ADDITION ? NORTH OF 31ST STREET, EAST OF WEST STREET. (District IV)

Agenda Report No. 99-528.

The Petitions have been signed by one owner representing 100% of the improvement district.

These improvements will serve a residential development.

The Petitions total \$61,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-200

A Resolution of findings of advisability and Resolution authorizing improving of Illinois Circle, from the north line of 31st Street South, north to and including the cul-de-sac, Project No. 472-83106 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 368

PAWNEE COURT PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE WILDERNESS AT THE PARK ADDITION ? SOUTH OF PAWNEE, EAST OF MAIZE. (District V)

Agenda Report No. 99-529.

The Petitions have been signed by one owner representing 100% of the improvement districts.

These improvements will serve a new residential development.

The Petitions total \$145,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-202

A Resolution of findings of advisability and Resolution authorizing improving of Pawnee Court from the south line of Pawnee to and including the cul-de-sac in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-203

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 328, Southwest Interceptor Sewer (south of Pawnee, east of Maize) Project No. 468-82353 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-204

A Resolution of findings of advisability and Resolution authorizing construction of water distribution system number 448-88749 (south of pawnee, east of maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CONSTRUCT A SANITARY SEWER TO SERVE AN UNPLATTED TRACT NORTH OF 21ST STREET, EAST OF RIDGE. (District V)

Agenda Report No. 99-530.

The Petition has been signed by one owner representing 100% of the improvement district.

This project will provide sanitary sewer service to a single family home.

The estimated project cost is \$15,000. The funding source is special assessments.

Motion --
-- carried

Knight moved that the Petition be approved and the Resolution be adopted, and the Staff Screening & Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

RESOLUTION NO. R-99-205

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 38, Main 15, Southwest Interceptor Sewer (north of 21st, east of Ridge) Project No. 468-82995 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 369

CONSTRUCT A SANITARY SEWER TO SERVE AN UNPLATTED TRACT, SOUTH OF 55TH STREET SOUTH, WEST OF SENECA. (District IV)

Agenda Report No. 99-531.

The Petition has been signed by one owner representing 100% of the improvement district.

This project will provide sanitary sewer service to a single-family home.

The estimated project cost is \$12,000. The funding source is special assessments.

Motion --
-- carried

Knight moved that the Petition be approved and the Resolution be adopted, and the Staff Screening & Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

RESOLUTION NO. R-99-206

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 430, Southwest Interceptor Sewer Project No. 468-82996 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Park Commissioners, 5-10-99
CPO Northeast Council 1, 5-24-99
CPO East Council 2, 5-24-99
CPO Southeast Council 3, 5-27-99
CPO Southwest Council 4, 5-27-99
CPO Northwest Council 5, 5-26-99
CPO North Central Council 4, 5-26-99
Civil Rights and Services Board, 5-17-99
Commission on the Status of People with Disabilities, 4-28-99
Commission on the Status of Women, 5-5-99
Deferred Compensation Board of Trustees, 3-11-99
Deferred Compensation Board of Trustees, 5-12-99
Police and Fire Retirement System of Wichita, 4-28-99
Wichita Employees Retirement System, 4-28-99
Wichita Public Library, 4-5-99
Wichita-Sedgwick County Arts and Humanities Council, 5-14-99
Wichita-Sedgwick County Board of Health, 5-13-99
Wichita-Sedgwick County Alcohol and Drug Abuse Advisory (ADAS) Board, 5-13-99
Wichita-Sedgwick County Historical Museum, 4-14-99
Wichita-Sedgwick County Transit Advisory Board, 3-25-99

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Special Events.

Agenda Report No. 99-563.

Stars and Stripes Run
Sunday, June 13, 1999
7:30 to 9:30 a.m.

Closures: Topeka (1st and Douglas); northern most lane of Douglas (Topeka to Grove); and western most lane of Grove (Douglas to 1st).

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 370

Motion --
-- carried

Knight moved that the street closure be approved subject to coordination with City Staff, and submission of an insurance certificate. Motion carried 7 to 0.

Hillside at 15th Street North. (District I)

Agenda Report. No. 99-564.

Wildcat Construction Company, Inc. is installing a 48" water line (part of the Northeast Transmission Facility - Phase 1C) in 15th Street North between I-135 and Fountain Street. The installation has now reached Hillside and because of the depth (10'-12') and width (7'-8' minimum if shoring is used) of the trench, the Contractor is requesting a complete closure of Hillside at 15th Street North. The proposed two day closure will allow for the installation of the 48" line and a shutoff valve in the Hillside Street right-of-way. The shutoff valve and the corresponding short pipe sections, anchors and connections were an addition to the project by the Water Department after the project was let. Temporary pavement would be installed to reopen Hillside traffic to one lane in each direction while the permanent pavement patch is constructed.

During the complete closure of the intersection of Hillside and 15th Street North, Hillside traffic will be detoured using 17th Street, Grove and 13th Street. Local traffic would be allowed on Hillside between 17th Street and 13th Street with the total closure locations approximately 75' north and south of 15th Street. The Contractor is responsible for the necessary closure barricades and detour signing.

The closure of Hillside is scheduled to begin at approximately 8:30 a.m., Friday, June 11, 1999 with the reopening to one lane each direction by 8:00 p.m., Saturday, June 12, 1999. Access to all four lanes of Hillside would be expected by Monday, June 21, 1999.

Motion --

Knight moved that the street closure be approved. Motion carried 7 to 0.

RESPREAD AGMTS.

RESPREAD ASSESSMENTS: NORTHRIDGE LAKES PATIO HOMES ADDITION ? EAST OF TYLER, NORTH OF 21ST STREET NORTH. (District V)

Agenda Report No. 99-532.

The developer, Northridge Lakes, Inc., platted Northridge Lakes Patio Homes Addition and has submitted an Agreement to respread special assessments.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

The cost to the City is approximately three to four hours of staff time to reapportion the specials previously spread.

Motion --
-- carried

Knight moved that the Agreement/Contract(s) be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

RESPREAD ASSESSMENTS: HANLEY COMMERCIAL ADDITION ? WEBB FROM CENTRAL TO 29TH STREET NORTH. (District II)

Agenda Report No. 99-533.

The owners, Cambridge Owners Association, Inc., Fred L. & Sandra J. Hanley, have submitted an Agreement to respread special assessments within Hanley Commercial Addition.

The land was originally included in several improvement districts for public improvement projects. The purpose of the Agreement is to respread special assessments on two parcels for future marketability.

The cost to the City is approximately one to two hours of staff time to reapportion the specials previously spread.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 371

Motion --
-- carried

Knight moved that the Agreement/Contract(s) be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

RESPREAD ASSESSMENTS: WOODLAND LAKES ESTATES ADDITION ? SOUTH OF KELLOGG, WEST OF 127TH STREET EAST. (District II)

Agenda Report No. 99-534.

The developer, Woodland Lakes Estates, platted Woodland Lakes Estates 2nd Addition and has submitted an Agreement to respread special assessments.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

The cost to the City is approximately two to three hours of staff time to reapportion the specials previously spread.

Motion --
-- carried

Knight moved that the Agreement/Contract(s) be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

RESPREAD ASSESSMENTS: GREENWICH BUSINESS PARK ? NORTH OF 21ST STREET NORTH, WEST OF GREENWICH ROAD. (District II)

Agenda Report No. 99-535.

The developers of Greenwich Business Park have submitted an Agreement to respread special assessments from Greenwich Business Park which has been replatted to Regency Lakes Commercial Addition.

The land was originally included in numerous improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The Agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

The cost to the City is approximately three to four hours of staff time to reapportion the specials previously spread.

Motion --
-- carried

Knight moved that the Agreement/Contract(s) be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

CENTRAL AVENUE

CENTRAL AVENUE IMPROVEMENT ? FROM WEST STREET TO MCLEAN BOULEVARD. (Districts IV and VI)

Agenda Report No. 99-536.

On March 3, 1998, the City Council approved a project to reconstruct Central Avenue between West Street and McLean Boulevard. The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). On May 11, 1999, the City Council approved an Authority to Award Agreement with KDOT to award a construction Contract to Cornejo and Sons, Inc. An Agreement between the City and KDOT for construction engineering services has been prepared.

The project will widen Central to five lanes with four through lanes and a center two-way left turn lane. New traffic signals will be installed at St. Paul and at Zoo Boulevard. KDOT's specifications allow the contractor some latitude in when work begins. It is anticipated that work will begin in September and be completed in mid 2000.

KDOT will reimburse the City for 80 percent of the cost for construction engineering services which has an upper limit of \$454,453.05.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 372

Motion --
-- carried

Knight moved that the Agreement/Contract(s) be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

MERIDIAN AVENUE

MERIDIAN AVENUE, FROM I-235 TO THE NORTH CITY LIMITS. (District VI)

Agenda Report No. 99-537.

On July 14, 1998, the City Council approved a project to upgrade Meridian from the I-235 Freeway to the North City Limits (CIP No. MS-9410). The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). On April 13, 1999, the City Council approved the project for construction. An Agreement between the City and KDOT for construction engineering services has been prepared.

The project consists of widening Meridian to provide four through lanes of traffic and left turn lanes at several side streets. The estimated construction start date is June 1999. Meridian will be open to traffic during construction. The project is expected to be completed in late 1999.

KDOT will reimburse the City for 80 percent of the cost for construction engineering services which has an upper limit of \$167,891.50.

Motion --
-- carried

Knight moved that the Agreement/Contract(s) be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

EASTERN BRIDGE

EASTERN BRIDGE OVER GYPSUM CREEK AT ORME. (District II)

Agenda Report No. 99-538.

On June 2, 1998, the City Council approved a project to rehabilitate the Eastern Bridge over Gypsum Creek at Orme (CIP No. B-122). The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). On March 16, 1999, the City Council approved the project for construction. An Agreement between the City and KDOT for construction engineering services has been prepared.

The sufficiency rating of the Eastern Bridge over Gypsum Creek at Orme indicates that major repairs will be required within the next ten years to avoid further deterioration. The estimated construction start date is June 1999.

KDOT will reimburse the City for 80 percent of the cost for construction engineering services which has an upper limit of \$48,446.56.

Motion --
-- carried

Knight moved that the Agreement/Contract(s) be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

BOR

BUREAU OF RECLAMATION (BOR) FOR THE EQUUS BEDS RECHARGE DEMONSTRATION.

Agenda Report No. ;99-539.

On August 31, 1993, the City Council approved and instructed Staff to implement the Integrated Local Water Supply Plan recommended in the Water Supply Plan developed by Burns and McDonnell/Mid-Kansas Engineering Consultants. That plan identified cost-effective water resources that would be adequate to meet Wichita's water needs to the year 2050. On February 7, 1995, the City Council approved Phase I-Project I of the Equus Beds Recharge Demonstration Project, the purpose being to determine whether excess flows in the Little Arkansas River could be used to recharge the Equus Beds Wellfield. On July 25, 1995, the City Council approved an assistance agreement with the BOR in the amount of \$500,000 for the use of federal funds. On November 14, 1995, the City Council authorized Phase I-Project II of the demonstration project.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 373

In 1995 the Department of the Interior, BOR, offered to provide up to \$500,000 in funding for this project. This grant, which was a 50% grant, was available to fund many aspects including engineering costs, construction costs, and laboratory and sampling costs. This project is a five-year project, and the original Assistance Agreement could only be used to help fund the first year of the project. With the assistance of the State of Kansas' congressional representatives, additional funding was sought to help fund the ensuing years of the project. The result was \$1,777,000 from the BOR, for a total of \$2,277,000. The BOR is offering an additional \$450,000 for 1999.

The estimated cost of the Equus Beds Recharge Demonstration Project is \$7.2 million. If this modification to the Assistance Agreement is accepted, the City's cost would be reduced by an additional \$450,000, for a total of \$2,727,000 from the BOR. Funding for this project is included in CIP W-403. The demonstration project has a total authorization of \$4,500,000 for the years 1996 to 2000.

City Council authorization is required for contracts in excess of \$10,000. The Law Department has reviewed the Modification of Assistance Agreement and has approved it as to form.

Motion --
-- carried

Knight moved that the Agreement/Contract(s) be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

TELEPHONE SERVICE PLEXAR TELEPHONE SERVICE.

Agenda Report No. 99-540.

Plexar service has saved the City approximately \$30,000 over the past five years, not including the reduced cost of new installations. The contract extension will protect the City from rate increases and allow it to receive the lowest rate possible for local telephone service. Southwestern Bell remains the sole source for Plexar service in Wichita.

Motion --
-- carried

Knight moved that the Agreement/Contract(s) be approved for one year with four annual options to renew, and the Mayor be authorized to sign. Motion carried 7 to 0.

CDBG CONTRACT CDBG CONTRACT AMENDMENT? YWCA WOMEN? S CRISIS CENTER.

Agenda Report No. 99-541.

The YWCA wishes to use \$14,000 in personnel savings to cover audit and insurance expenses, as well as unexpected building and equipment repair.

There is no change in the contract amount.

Motion --
-- carried

Knight moved that the Contract amendment be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

RIVERBANK DESIGN SERVICES FOR RIVERBANK IMPROVEMENT PROJECT AND AMPHITHEATER.

Agenda Report No. 99-542.

In August 1996, the Master Plan for the Riverbank Improvements (CA-9213) was completed including the site of the Amphitheater (CA-9217), two important projects in the Core Area CIP. The Consultant's scope of services included completion of construction / bid documents for the first phase of construction for the south bank improvements of the Arkansas River, west of Seneca to Meridian. On November 17, 1998, the City Council approved funding for the riverbank and amphitheater improvements by General Obligation (GO) Bonds. (Resolution # R-98-493 - Riverbank, and Resolution # R-98-494 - Amphitheater). An RFP was recently solicited for design services in connection with both the riverbank and amphitheater projects.

The Consultant selection process involved sending notices to approximately eighty local and out-of-town design and engineering firms. Those responding were invited to a pre-proposal meeting on May 4, 1999, sealed proposals were received on May 21, 1999. Due to the significance of these projects, a special Consultant Selection committee was established with representatives from the art and cultural communities to supplement Staff

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 374

members. The Screening Committee met on May 26, 1999 and selected three consultant teams to interview. Following interviews, the Committee recommended the consultant team of Law-Kingdon Architects, Wichita, and EDAW, Inc., Denver, Colorado, as the Riverbank / Planning / Urban design firm, including local consultants Wilson and Co. for engineering and local artists/graphic designer. Because of the importance of this project in the overall Core Area Plan, the Selection Committee recommended that this design team needed to be supplemented with an art consultant of national recognition to assist in the integration of artistic elements into the project.

The proposed agreement with Law-Kingdon / EDAW team provides for conducting a "programming charette" to seek input from the community stakeholders to establish design direction for the Amphitheater and the Riverbank projects. Once the design parameters of the projects are identified, the team will prepare concepts and costs estimates for consideration by the City Council.

The consultant's proposed fee, including reimbursable costs associated with the projects, is \$484,000. A contingency fee of \$56,000 is being proposed by Staff to cover the need for special and/or added expertise (i.e. sound, lighting, surveying and other important elements of the design) which fall outside of the design contract.

The proposed agreement will be funded from the project budgets for the Riverbank and Amphitheater projects. The funding source for the Core Area improvements is from General Obligation Bonds.

Motion --
-- carried

Knight moved that the consultant, agreement, and contingency be approved, and the necessary signatures be authorized. Motion carried 7 to 0.

IRB - QUARTERS

REQUEST FOR REINSTATEMENT AND EXTENSION OF LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS ? THE QUARTERS AT CAMBRIDGE. (District II)

Agenda Report No. 99-543.

On January 5, 1999, the City Council approved a six-month Letter of Intent to issue Industrial Revenue bonds for The Quarters At Cambridge, L.P., a Wichita based limited partnership with partners being Fred L. Hanley and Santo M. Catanese, in the amount of \$13,095,000 for acquisition, construction, and equipping a 194-unit luxury apartment complex located on 21st Street, east of Webb Road. The Quarters At Cambridge, L.P. is now requesting reinstatement and extension of the Letter of Intent until February 1, 2000.

The Quarters At Cambridge initially planned to issue bonds as soon as possible after commencement of construction. Based upon recommendation of Bond Counsel, The Quarters At Cambridge now plans to issue bonds at the completion of the project for the purpose of delaying the transaction until after the holiday season and for securing substantial completion of construction.

An analysis of the estimated uses of project funds is:

USES OF FUNDS

* Land	\$1,400,000
* Structures	10,095,000
* Architectural and Engineering Fees	400,000
* Financing and Legal	500,000
* Off-site related improvements	700,000
Total Cost of Project:	\$13,095,000

The Quarters At Cambridge agrees to maintain a current EEO/AA Plan on file with the City, and to comply with all Letter of Intent conditions contained in the City's IRB Policy. The general contractor for the project is Fall River Construction from Branson, Missouri, which is a limited partner in the Quarters at Cambridge, L.P. and is itself part owned by Santo M. Catanese. Subcontractors have been solicited by notices published in the Dodge Reports.

The Quarters At Cambridge agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The Quarters At Cambridge is not requesting a property tax exemption in connection with issuance of IRBs. A sales tax exemption is available as a result of IRB financing. The Quarters At Cambridge will make a contribution to the City in the amount of \$100,000 for use in a public improvement project to be designated by the City Council.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 375

Motion --

Knight moved that the reinstatement and extension of the Letter of Intent to The Quarters At Cambridge, L.P. for Industrial Revenue Bonds in an amount not to exceed \$13,095,000 to be in effect until February 1, 2000, subject to Standard Letter of Intent Conditions. be approved, and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

RADIO REPLACEMENT REPLACEMENT OF RADIOS FOR WATER DEPARTMENT REMOTE SITES.

Agenda Report No. 99-544.

The Water and Sewer Department has a number of facilities that are used to produce and deliver water to the City. In order to operate these remote facilities, radios are used to transmit information from those sites to a computer at the Water Treatment Plant. The system is called a Supervisory Control and Data Acquisition (SCADA) system. The first SCADA system was installed approximately 20 years ago.

The water production and treatment facilities includes over 70 remote sites, including 55 wells in the Equus Beds Wellfield, the Cheney Pump Station, four distribution system pressure monitors, and the Webb Rd. Pump Station. The computer system that is part of the SCADA system has been upgraded twice, but the same radios have been used since the first system was installed. The current radios are "voice" type radios that operate on a low frequency. While these radios can be used to transmit data, they are much slower than the "data" radios that are currently available. It now takes much longer to pole, or communicate, to each site than newer radios would take, and increases the amount of time to communicate with all of the remote sites.

This project would replace all of the existing radios in the water system with new data radios that operate in the 900 MHz band range. These new radios would also facilitate the addition of new sites that will be added as the water supply system expands in the future.

A Staff Screening and Selection Committee will solicit design/build proposals from contractors/engineers to determine what antenna adjustments need to be made at each site and to install radios and other equipment to make the new system operational. The radios will be purchased directly by the City.

This project is included in the City's approved 1998 CIP program (project W-597) at a budgeted amount of \$350,000.

Motion --

Knight moved that the Resolution be adopted and the Notice of Intent be authorized. Motion carried 7 to 0.

OLD TOWN PARKING ADJUSTMENTS TO OLD TOWN PARKING ASSESSMENTS. (DISTRICT I)

Agenda Report No. 99-545.

The new Old Town parking structure is being constructed on ground that previously provided approximately 90 surface parking spaces used primarily by restaurants and a retail business located in the interior of the 200 block of North Mosley. The businesses include Rowdy Joe's Steakhouse, Red Beard's Tavern, Annie's Loft and Mamma Love's. Staff investigation has determined that these businesses began experiencing significant reductions in revenue starting with the closure of the former surface lot for construction of the parking structure in August 1998.

The following businesses have paid the following amounts in monthly parking assessments:

	<u>Monthly Assmt.</u>	<u>Paid Since August 1998</u>
Rowdy Joe's	\$420.00	\$4,200.00
Red Beard's	630.00	6,300.00
Annie's Loft	52.50	525.00
Mama Love's	120.00	1,200.00
Total	\$1,222.50	\$12,225.00

Staff recommends refunding the assessments the aforementioned businesses have paid since August 1998, and waiving further payment of parking assessments until the parking garage is open to the public.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 376

Motion --
-- carried

Knight moved that the adjustments, refunds, and waivers for Rowdy Joe's Steakhouse, Red Beard's Tavern, Annie's Loft, and Mamma Love's be approved as identified. Motion carried 7 to 0.

TOURISM/VISITOR INF. TOURISM/VISITOR INFORMATIONAL MATERIAL.

Agenda Report No. 99-546.

The City of Wichita recognizes the importance of developing, maintaining and promoting its various entertainment and cultural attractions. Enhancing the quality of life in the Wichita community has long been an goal for the City. The availability of varied recreational and cultural attractions is a key recruitment tool for employers attempting to attract talent from outside the City or the State. It is imperative in today's labor market that the City have available the quality of life features and varied recreational and cultural attractions to offer prospective employees and compete with other cities for economic development/tourism.

The ability to market its attractions is also necessary as the City works to build its convention and tourism industry. In addition to the efforts of the Convention and Tourism Bureau, the proposed informational material will help link local attractions with existing and future convention business and further promote Wichita as a tourist location. Likewise, quality of life is important to area residents and there needs to be an increased effort to encourage the citizens of Wichita and the surrounding area, to participate in the City's art, entertainment and cultural attractions. The informational material is intended to promote and highlight these attractions for maximum benefit to residents and visitors alike.

Analysis: To promote its entertainment and culture assets, the City (in cooperation with its cultural community), is proposing the development of a marketing piece with information about the City's attractions. The marketing material will contain information on the City's area museums along with other attractions. The material will also include information on the City, such as calendar of events (which changes seasonally), a map of attractions, and the trolley route. Information about hotels and restaurants will also be provided.

It is proposed that the City fund the initial development and printing of the brochure. After this initial production, it is anticipated that museums and other attractions would contribute to promotional material reproducing facility specific information. Hotels and restaurants will be also asked to contribute to financing the informational material in an attempt to make this ongoing production of this marketing item self-supporting.

The cost of design/printing 25,000 of the information is estimated at \$48,000. The Greteman Group has been assisting City staff on the development of the material which will incorporate the City's logo into the overall design to provide the necessary City identification associated with this marketing piece. The funding of this initial marketing information is available in the City's contingency account or from the City's convention/tourism promotional funds. For future printings, the City will seek funding from the attractions, restaurants and hotels.

Motion -- carried

Knight moved that the contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

COMPUTER UPGRADE COMPUTER ALERT SYSTEM UPGRADE.

Agenda Report No. 99-547.

Storm Water Management has been advised that some of the ALERT system software and hardware are not Y2K compliant. The ALERT system is an acronym for Automated Local Evaluation in Real-Time, which is the name of a particular type of advanced automated flood threat recognition system developed by the National Weather Service.

The ALERT system measures the amount of rainfall as it is raining, provides rainfall intensities for major storms, and inputs data into a flood alert system for the City. It has the capability to monitor up to 30 remote sites.

Through management processes outlined in Wichita Project 2000, this non-compliant system was identified for remediation. It was taken to the Management Information Systems (MIS) committee and approved.

The ALERT system upgrade will cost approximately \$40,000. The funding for this upgraded has been budgeted in the 1999 Revised Storm Water Utility operation budget.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 377

Motion -- carried

Knight moved that the upgrade be approved. Motion carried 7 to 0.

PROPERTY DISP.

LAND SALE - KELLOGG AND WATER. (District I)

Agenda Report No. 99-548.

In 1990, several parcels were acquired from Davis Moore as right-of-way for the Kellogg flyover. Two of the parcels in the 700 block of South Water are currently undeveloped except for asphalt paving and fencing. There are two residential properties located between the two parcels.

BG Products has offered \$32,000 (\$2.11 per square foot) for the two tracts, the amount of the appraisal done in 1998. BG Products is planning to use the lots for additional employee/client parking to serve existing and new facilities directly to the west.

There is no real estate broker involved in the sale. Closing costs will be shared 50 percent each by buyer and seller., with the City's costs coming from the sale proceeds.

Motion --
-- carried

Knight moved that the budget and documents be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF ACCESS RIGHTS TO BAYLEY FROM 1302 SOUTH WATER (TRACT #24) FOR THE BAYLEY STREET RAIL CORRIDOR IMPROVEMENT PROJECT. (DISTRICT I)

Agenda Report No. 99-549.

The property at 1302 South Water is owned by Carlos and Patricia Gilberto. The project requires the acquisition of all access to or from Bayley Street over Lot 50 on Water Street in Fegtley's Addition to Bayley.

The owner has agreed to accept \$5,000 for the loss of driveway access. There is enough area south of the improvements to allow construction of access from Water Street.

Funding source is General Obligation Bonds. Budget of \$5,000 includes \$4,000 for acquisition and \$200 for costs. This is the 19th acquisition for the project. Counting this property, expenditures of \$753,861 have been approved.

Motion --
-- carried

Knight moved that the budget and documents be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF RIGHT-OF-WAY BY EMINENT DOMAIN FOR THE MAPLE STREET IMPROVEMENT PROJECT FROM MAIZE ROAD TO 119TH STREET WEST. (District V)

Agenda Report No. 99-550.

Staff has attempted to negotiate the purchase of these two tracts. The last offer was \$5,217.50 to the owner of 10810 West Maple and \$3,127.63 to the owner of 10920 West Maple which equates to \$2.50 per square foot. The owners have requested that the City provide improvements to their property at a cost in excess of \$25,000. Due to the time constraints of the project, eminent domain action is deemed advisable. Negotiations with the two owners will continue during the eminent domain process and any properties that are acquired during the process will be dropped from the ordinance.

Motion -- carried

Knight moved that the ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for project in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 378

acquisition of the lands, easements, and access control, therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 25, 1999)

- a. Meridian Avenue improvement, Maple to Central. (Districts IV & VI)

ORDINANCE NO. 44-258

An Ordinance declaring Meridian Street, from Maple Street to Central Avenue (472-82740) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same. Knight moved that the Ordinance be placed on its passage and adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b. Purchase of seven (7) replacement transit coaches.

ORDINANCE NO. 44-259

An Ordinance finding it necessary to purchase seven (7) transit replacement coaches for the Wichita Transit; and to issue general obligation bonds of the City in an amount not to exceed \$392,000 for the purpose of paying a portion of the costs thereof, with the balance of the costs thereof to be paid from federal grants from the Federal Department of Transportation - Federal Grant Administration, in an estimated amount of \$1,568,000.. Knight moved that the Ordinance be placed on its passage and adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- c. Bayley Street. (District I)

ORDINANCE NO. 44-260

An Ordinance authorizing the issuance of bonds by the City of Wichita, Kansas, for the purpose of providing funds to pay the cost of certain public improvements and authorizing the expenditure of funds for the purpose of making a cash grant to Central Kansas Railway, LLC; and repealing Ordinance No. 43-915 of the City of Wichita, Kansas.. Knight moved that the Ordinance be placed on its passage and adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- d. Z-3212 - east Side of Rock Road on the north side of Oak Knoll. (District II)

ORDINANCE NO. 44-261

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas. Knight moved that the Ordinance be placed on its passage and adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3212

- e. Z-3285 - north side of Central, east of West Street. (District VI)

ORDINANCE NO. 44-262

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas. Knight moved that the Ordinance be placed on its passage and adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Z-3285

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 379

- f. Z-3318 - south of Kellogg and east of Bluff. (District II)

ORDINANCE NO. 44-263

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas. Knight moved that the Ordinance be placed on its passage and adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3318

- g. Z-3319 - north side of Maple approximately 800 feet east of Tyler. (District V)

ORDINANCE NO. 44-264

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas. Knight moved that the Ordinance be placed on its passage and adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3319

- h. SCZ-0777 - southeast corner of 37th Street North and Ridge Road.. (District V)

ORDINANCE NO. 44-265

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas.. Knight moved that the Ordinance be placed on its passage and adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. SCZ-0777

- i. DR 99-1 ? zone change from ? LI? Limited Industrial to ? CDB? Central Business District - south of Waterman and west of Water. (District I)

ORDINANCE NO. 44-266

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas.. Knight moved that the Ordinance be placed on its passage and adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. DR 99-1

- j. A 99-15 ? ? mile east of Greenwich Road, south of Harry Street (District II)

ORDINANCE NO. 44-267

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto.. Knight moved that the Ordinance be placed on its passage and adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 99-15

- k. A 99-18 ? 1/8 mile south of 21st Street North on the west side of 119th Street West. (District V)

ORDINANCE NO. 44-268

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. Knight moved that the Ordinance be placed on its passage and adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. a 99-18

- l. H 99-1 - Wichita Register of Historic Places landmark designation for 536 North Broadway, Twentieth Century Club property, "GC" General Commercial, and "B" Multi-Family on property located at the southeast corner of North Broadway and Elm. (District VI)

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 380

ORDINANCE NO. 44-269

An Ordinance designating as an Historic Landmark certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010 and Section 2.12.1018, as amended. Knight moved that the Ordinance be placed on its passage and adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. H 99-1

FIRST READING ORDINANCES:

Motion -- carried

Knight moved that the Ordinances be placed on first reading. Motion carried 7 to 0.

a. Sidewalk repair.

ORDINANCE

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over.

b. Building condemnations.

ORDINANCE

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, introduced and under the rules laid over.

c. Lot clean up.

ORDINANCE

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of section 7.40.050 of the code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, introduced and under the rules laid over.

Mayor Knight left the Bench; Vice Mayor Rogers in the Chair.

PLANNING AGENDA

Marvin Krout Director of Planning said Items 33 through 38 could be taken as consensus Items.

Motion --
-- carried

Rogers moved that the Planning Agenda Items 33 through 38 be taken as consensus Items and approved. Motion carried 6 to 0. (Knight absent)

V-2175

V-2175 - REQUEST TO VACATE UNUSED PORTION OF STREET RIGHT-OF-WAY LOCATED AT THE SOUTHEAST CORNER OF 27TH STREET SOUTH AND CUSTER, 3071 WEST 27TH STREET SOUTH. (District IV)

Agenda Report No. 99-551.

MAPC Recommendation: Approve Vacation of the street right-of-way.
Staff Recommendation: Approve Vacation of the street right-of-way.

The applicant is requesting to vacate the southern 20 feet of the dedicated 55 feet half-street right-of-way. The Custer Addition, which was recently platted to the west of this location and other areas along 27th Street South only provided for 35 feet of half-street right-of-way. Therefore, if this vacation is approved, the street right-of-way

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 381

along the applicant's property will match the existing and needed right-of-way along 27th Street North. There still will be other areas along 27th Street North where there is 55 feet of half-street right-of-way, which could be vacated if requested by the property owners adjacent to the right-of-way.

The Traffic Engineer and Public Works have reviewed and approved this request. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

The vacation notice of hearing was published and no written protest had been filed.

Vice Mayor Rogers

Vice Mayor Rogers inquired if anyone wished to be heard on this Item and no one appeared.

Motion --
-- carried

Rogers moved that the Public Hearing be closed, the vacation be approved, and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

D-1760

D-1760 - DEDICATION OF ACCESS CONTROL LOCATED SOUTH OF 21ST STREET NORTH AND EAST OF WEBB ROAD. (District II)

Agenda Report No. 99-552.

MAPC Recommendation: Accept the dedication.

Dedication for purpose of access control along Webb Road (requirements of administrative adjustment to CUP (DP-213).

Motion --
-- carried

Rogers moved that the dedication be received and filed recorded with the Register of Deeds. Motion carried 6 to 0. (Knight absent)

S/D 98-109

S/D 98-109 - PLAT OF BAY RIDGE ADDITION LOCATED ON THE NORTH SIDE OF 45TH STREET NORTH, ON THE WEST SIDE OF RIDGE ROAD.

Agenda Report No. 99-553.

MAPC Recommendation: Approve the Plat

Staff Recommendation: Approve the Plat.

This site is located in the County within three miles of the City's boundary. The site has been approved by the Health Department for the use of on-site sanitary sewer and water facilities. A letter of credit has been submitted to guarantee the construction of the private streets. A restrictive covenant has been provided in order to provide for the ownership and maintenance of the reserves, and to restrict the development of Lot 5, which is encumbered by the floodplain.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The restrictive covenant will be recorded with the Register of Deeds.

Motion -- carried

Rogers moved that the documents be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 382

S/D 99-12

S/D 99-12 - PLAT OF ENVISION ADDITION LOCATED ON THE NORTHWEST CORNER OF PAWNEE AND WATER. (District III)

Agenda Report No. 99-554.

MAPC Recommendation: Approve the Plat.
Staff Recommendation: Approve the Plat.

A zone change from TF-3, Two-Family Residential to (PUD-4) Planned Unit Development was approved for this site subject to platting.

Petitions, all 100%, have been submitted for paving and water improvements. A Certificate of Petitions has also been submitted. In order to assure circulation between the lots, a cross-lot access and circulation agreement has been provided. A cash guarantee has been provided to assure closure of Blake Street now being located in an area platted with complete access control. A PUD Certificate was provided identifying the approved PUD and its special conditions for this property. The City of Wichita holds an interest in this property's ownership and a ratification document has been provided acknowledging the plat.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificates of Petitions, cross-lot circulation agreement and ratification document will be recorded with the Register of Deeds.

Motion --

-- carried

Rogers moved that the Petitions be approved and the Resolutions be adopted; the documents be received and filed and recorded with the Register of Deeds; the plat be approved as recommended and the necessary signatures be authorized; and the PUD-4 Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. R-99-208

A Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89396 (north of Pawnee, west of Broadway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

RESOLUTION NO. R-99-209

A Resolution of findings of advisability and Resolution authorizing improving of a hammerhead turnaround on the east side of Water Street adjacent to Lot 3, Christensen Addition, Project No. 472-83120 (north of Pawnee, west of Broadway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

S/D 99-15

S/D 99-15 - PLAT OF BELRIV ADDITION LOCATED NORTH OF KELLOGG ON THE WEST SIDE OF 159TH STREET EAST.

Agenda Report No. 99-556.

A zone change (SCZ-0731) from SF-20, Single-Family Residential to SF-6, Single-Family Residential has been approved for this site subject to platting. This site is located in the County within three miles of the City's boundary. It will use the County's Four Mile Creek sanitary sewer system and petitions for sewer and paving improvements will be handled by the County. A petition for City water, 100%, has also been submitted. Both a City and County Certificate of Petitions have also been submitted.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. In order to allow for the platting of a street

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 383

with a narrow or nonstandard right-of-way dedication, a 15-foot street, drainage, and utility easement was platted with a covenant restricting the use of easements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petition and restrictive covenants will be recorded with the Register of Deeds.

Motion --

-- carried

Rogers moved that the Petitions be approved and the Resolutions be adopted; the documents be received and filed and recorded with the Register of Deeds; the plat be approved as recommended and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. R-99-210

A Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89395 (north of Kellogg, west of 159th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

S/D 99-22

S/D 99-22 - PLAT OF HUNTINGTON POINTE ADDITION LOCATED ON THE WEST SIDE OF GROVE, NORTH OF 71ST STREET SOUTH.

Agenda Report No. 99-557.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

This plat is located in the County within three miles of Wichita's City limits. The site has been approved by the County Health Department for the use of on-site sanitary sewer and water facilities.

A zone change (SCZ-0778) from RR, Rural Residential to MH, Manufactured Housing was approved for a portion of this site subject to platting. Petitions, all 100%, have been submitted to the County for paving and drainage improvements. A petition for future City water has also been provided. Both a City and County Certificate of Petitions has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions will be recorded with the Register of Deeds.

Motion --

-- carried

Rogers moved that the Petitions be approved and the Resolutions be adopted; the documents be received and filed and recorded with the Register of Deeds; the plat be approved as recommended and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. R-99-211

A Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89394 (south of 63rd Street South, east of Hydraulic) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 384

CU-519

CU-519 - CONDITIONAL USE TO ALLOW ANIMAL CARE, LIMITED ON PROPERTY GENERALLY LOCATED APPROXIMATELY 50 FEET SOUTH OF THE SOUTHEAST CORNER OF 2ND STREET AND HILLSIDE. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-558.

MAPC Recommendation: Approve, subject to conditions as recommended by Staff.

CPO Recommendation: Approve, subject to Staff recommendations, with the exception of allowing two access openings along Hillside.

Staff Recommendation: Approve, subject to conditions, including a limitation of one access opening to Hillside.

A conditional use is being requested to establish a veterinary hospital on a platted tract approximately 50 feet south of the southeast corner of Second Street and Hillside.

Originally, the site plan submitted by the applicant showed two openings onto Hillside. As a part of the conditional use review process, the issue was discussed and the applicant was requested to resubmit a site plan that had one opening onto Hillside.

At the MAPC hearing on May 13, 1999, the applicant presented this request and asked for two openings on Hillside. No one spoke in opposition to the request. After debate about the two access openings, with the Traffic Engineer participating, the Planning Commission voted to approve the request but limiting it to only one opening on Hillside.

The applicant has appealed the MAPC decision to the City Council on the grounds that he is entitled to two openings onto Hillside.

Council Member Pisciotte

Council Member Pisciotte said the property has been vacant for three years and development like this is needed to stabilize property values. Approval of two access points is viable and the access closest to the corner will be closed.

Motion --

Pisciotte moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the CU be allowed with two access points to Hillside. Motion carried 6 to 0. (Knight absent)

-- carried

CU-521

CU-521 - CONDITIONAL USE TO ALLOW VEHICLE SALES, OUTDOOR ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF WEST STREET 260 FEET NORTH OF MURDOCK. (District VI)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-559.

MAPC Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to ten conditions enumerated in Staff report.

Staff Recommendation: Deny.

The applicant is requesting a conditional use to allow vehicle sales on the site.

The applicant currently operates a vehicle sales operation inside a garage. The garage was originally permitted as a residential structure associated with the house located on the southern part of the lot. The applicant intends to sell used cars.

The applicant is seeking a conditional use for vehicle sales in order to place up to 14 cars for sale on the asphalt parking area in front of the garage.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 385

This morning, the Planning Department received withdrawal from 9 of 12 protests. The protest withdrawals must be filed prior to this date; therefore, it is too late and the protest petition stands.

Council Member Rogers Council Member Rogers said the only option is to send the Item back to the MAPC so they will have everything to look at.

Council Member Cole Council Member Cole stated that the City needs a comprehensive plan. Today's Comprehensive Plan presents a real worry regarding what can happen north of Central. Neighborhood associations are very concerned with the character of the neighborhoods. The character of West Street, north of Central, is very much in jeopardy.

There are far-reaching implications for neighborhoods on either side of West Street.

Motion -- Cole moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the Item be returned to the MAPC for reconsideration. Motion carried 6 to 0. (Knight absent)

-- carried

(DR 99-1-B and DR-2 were considered together.)

DR 99-1-B

DR 99-1 B - ZONE CHANGE REQUEST FROM ? LI? LIMITED INDUSTRIAL TO ? CBD? CENTRAL BUSINESS DISTRICT, LOCATED IN THE AREA BOUNDED BY CENTRAL AVENUE, THE BNSF RAILROAD TRACKS, KELLOGG/U.S. 54 HIGHWAY AND ST. FRANCIS. (District I and VI)

Marvin Krout Director of Planning reviewed the Item.

Agenda Report No. 99-560.

MAPC Recommendation: Retain the existing zoning.

CPO Recommendation: CPO 1 voted to not expand ? CBD? zoning east of St. Francis. CPO 6 voted to rezone the property to CBD.

Staff Recommendation: Approve ? CBD? for the area between 2nd Street and a line south of the buildings along William Street.

In December, the City Council considered solutions to parking problems in the downtown area. At least one property owner had expressed concerns regarding the difficulty of providing off-street parking when converting buildings to new uses in the 600 block of East Douglas. In response, the City Council directed the Planning Commission to hold a public hearing to consider expanding the "CBD" zoning district, east across St. Francis, to include this block and the larger area of which it is a part, bounded by Central Avenue, the BNSF railroad tracks, Kellogg and St. Francis Street.

Existing "CBD"(Central Business District) zoning is confined to a rectangular area generally bounded by Central Avenue (north), St. Francis Street (east), Kellogg (south) and an irregular line created by Wichita Street, Civic Center Place, the Arkansas River, Lewis and Water Streets (west). These boundaries are similar to those originally established in 1946 when the "CBD" district was first established. In recent years, there has been some expansion of the "CBD" district to the northeast and southeast, and several variances to parking requirements have been granted by the Board of Zoning Appeals for properties just beyond the boundaries of the "CBD" district.

The "CBD" District was established as a way to delineate the city's core business district from other commercial areas. In contrast to the other two commercial categories of that time - the "LC", Light Commercial and the "C", Commercial districts - the "CBD" district allowed a few "light manufacturing" and printing shop uses not permitted in the other two commercial districts and permitted unlimited building heights. Unlike the other districts, off-street parking was not required for properties zoned "CBD". Many of these distinctions between the "CBD" district and other commercial districts still exist today.

When the "LI" and "CBD" districts are compared and contrasted to each other, the list of permitted uses are similar, except that the "LI" district permits several uses that are not allowed in the "CBD" district: airports, kennels, asphalt plants (general), freight terminals, gas/fuel storage, landfill, salvage yard and grain storage. The "CBD" district permits several uses not allowed in the "LI" district: all residential uses, group homes and bed and breakfast uses. Additionally, the "CBD" district does not require any off-street parking to be provided, unlike the "LI" district. There is not a height limitation in the "CBD" district while the "LI" district contains an 80 foot height

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 386

limit (plus two more feet of height for every additional foot of setback beyond the minimum). There are not any minimum lot size, lot width, or building setback standards in the "CBD" district. The "LI" district has a front yard setback of 20 feet and an interior side yard setback of 0 or 5 feet, otherwise property development standards in the "LI" district are the same as the "CBD" district.

Prior to the CPO and MAPC hearings, staff organized a meeting of property owners and merchants to try to explain the implications of zoning. CPO 1 voted 4-0 not to approve the expansion of "CBD" zoning. They reasoned that businesses west of the railroad tracks already use Old Town parking lots, but do not contribute financially like Old Town merchants and owners do, and that if uses change due to expanding the CBD district, this inequity will be even greater. CPO 6 voted 6-1 to approve the expansion of "CBD" zoning; however, at a subsequent meeting, some reservations about that recommendation were expressed. No citizens spoke at either CPO meeting.

At the April 15th MAPC hearing, the hearing was deferred due to a lack of a quorum. At the April 29th MAPC hearing, the Planning Commission heard from several citizens, and continued the hearing for the area between St. Francis and the railroad tracks, but voted to recommend "CBD" zoning for the half-block area, owned by the City of Wichita and located at the southeast corner of Water and Waterman.

At the May 13th MAPC hearing, several persons spoke on this request again. The persons owning property in the rezoning area were split between leaving the zoning as it is currently or rezoning the property to "CBD." Most of the speakers with interests in the area south of Waterman seemed to prefer no change in zoning. Some of these owners expressed that their primary concern was not to become a part of the Old Town district where they might be subject to parking fees or other requirements. A representative of merchants in Old Town asked that a parking improvement district be established for this area similar to the one into which they currently pay to avoid the inequity of having businesses west of the railroad tracks take advantage of parking lots in Old Town without helping to pay for them.

After hearing from these individuals, the Planning Commission voted to retain the existing zoning. MAPC members expressed the sense that this area should not be "opened up" to allow further intensification unless and until the City develops more of a clear "plan" for where and how additional parking will be provided. They also noted that, in the meantime, any individual owner can still apply to rezone their property to "CBD" or to seek a parking variance from the Board of Zoning Appeals, and those applications would be considered on a case-by-case basis.

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| Council Member Cole | Council Member Cole said CBD zoning area should be kept small. Special arrangements can be requested. The City is placing priorities on providing parking in the area in the near future. |
| Council Member Pisciotte | Council Member Pisciotte said the area needs enhancement for development and it needs to be done comprehensively. |
| Council Member Cole | Council Member Cole said that, with the Eaton Developer approval, the City Council agreed to provide additional parking.

It is hoped the Council will begin to look at the cost of purchasing property and making available additional parking, perhaps even with meters. |
| Chris Cherches | City Manager said the City is constantly looking for parking opportunities. Some parking is under-utilized. In the Century II, Main, Douglas area the City is always looking for parking. |
| Motion --

-- failed | Rogers moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by th4 MAPC, the recommendation of Staff be approved, subject to the recommended conditions. Motion failed 4 to 2. Cole, Lambke - No. (5 votes required) |
| Motion -- carried | Gale moved that this Item be deferred one week. Motion carried 4 to 2. Cole, Lambke - No.)

(Later in the meeting Items 41 and 42 were reconsidered. Action is shown below.)

(Mayor Knight present) |
| Motion -- carried | Knight moved that Items 41 and 42 be reconsidered. Motion carried 6 to 1. Cole - No. |

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 387

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of Staff be approved, subject to the recommended conditions. Motion carried 6 to 1. Cole - No.

-- carried

DR 99-2

DR 99-2 - ZONE CHANGE REQUEST FROM ? GC? GENERAL COMMERCIAL TO ? CBD? CENTRAL BUSINESS DISTRICT, LOCATED ON PROPERTY GENERALLY LOCATED ON THE EAST AND WEST SIDES OF THE NORTH-SOUTH ALLEY LOCATED NORTH OF DOUGLAS AVENUE, BETWEEN ST. FRANCIS AND THE BNSF RAILROAD TRACKS. (District VI)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-561.

MAPC Recommendation: Retain the existing zoning.
CPO Recommendation: CPO 6 voted to rezone the property to ? CBD? .
Staff Recommendation: Approve ? CBD? .

In December, the City Council considered solutions to parking problems in the downtown area. At least one property owner had expressed concerns regarding the difficulty of providing off-street parking when converting buildings to new uses in the 600 block of East Douglas. In response, the City Council directed the Planning Commission to hold a public hearing to consider expanding the "CBD" zoning district, east across St. Francis, to include the 600 block of Douglas and the larger area of which it is a part, bounded by Central Avenue, the BNSF railroad tracks, Kellogg and St. Francis Street.

All of the properties under consideration for rezoning are zoned "LI", Limited Industrial and are the subject of zoning case DR 99-1, except for the properties located on both sides of the north-south alley running north of Douglas in the 600 block. These two properties are zoned "GC", General Commercial, and developed with multi-story buildings. Since these two properties are zoned differently from all the other properties in the area, and rezoning from "GC" to "CBD" is not considered a "down-zoning," a separate notification and advertisement for these properties was required.

The properties in the subject area were developed during the early 1900s, with buildings being constructed property line to property line, leaving little room for compliance with modern-day parking requirements. There are not any City-owned public parking lots within the advertised area. There is only one privately owned lot available for public use, located north of Waterman and east of St. Francis. To staff's knowledge, all other parking lots in the application area are committed to specific uses.

Existing "CBD" (Central Business District) zoning is confined to a rectangular area generally bounded by Central Avenue (north), St. Francis Street (east), Kellogg (south) and an irregular line created by Wichita Street, Civic Center Place, the Arkansas River, Lewis and Water Streets (west). These boundaries are similar to those originally established in 1946 when the CBD district was first established. In recent years, there has been some expansion of the "CBD" district to the northeast and southeast, and several variances to parking requirements have been granted by the Board of Zoning Appeals for properties just beyond the boundaries of the "CBD" district.

The "CBD" District was established as a way to delineate the city's core business district from other commercial areas. In contrast to the other two commercial categories of that time - the "LC", Light Commercial and the "GC", Commercial districts - the CBD district allowed a few "light manufacturing" and printing shop uses not permitted in the other two commercial districts and permitted unlimited building heights, and unlike the other districts, off-street parking was not required for properties zoned "CBD". Many of these distinctions between the "CBD" district and other commercial districts still exist today.

When the "GC" and "CBD" districts are compared and contrasted to each other, the list of permitted uses are similar, except that the "GC" district permits some uses that are not allowed in the "CBD" district: neighborhood pool, asphalt plants (general and limited), gas/fuel storage, kennels, recreational vehicle campground, riding academy and stable. The "CBD" district permits one use not allowed in the "GC" district - a correctional facility. Additionally, the "CBD" district does not require any off-street parking to be provided, unlike the "GC" district. There is not a height limitation in the "CBD" district while the "GC" district contains an 80 foot height limit (plus

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 388

two more feet of height for every additional foot of setback beyond the minimum). There are not any minimum lot size, lot width, or building setback standards in the "CBD" district. The "GC" district has a front yard setback of 20 feet and an interior side yard setback of 0 or 5 feet, otherwise property development standards in the "GC" district are the same as the "CBD" district.

From a comparison of existing uses to those permitted in the "CBD" district, it appears that there are not any existing uses that would become "nonconforming" if this rezoning is approved.

Prior to the CPO and MAPC hearings, staff organized a meeting of property owners and merchants to try to explain the implications of zoning. CPO 1 voted 4-0 not to approve the expansion of "CBD" zoning. They reasoned that businesses west of the railroad tracks already use Old Town parking lots, but do not contribute financially like Old Town merchants and owners do, and that if uses change due to expanding the CBD district, this inequity will be even greater. CPO 6 voted 6-1 to approve the expansion of "CBD" zoning; however, at a subsequent meeting, some reservations about that recommendation were expressed. No citizens spoke at either CPO meeting.

At the April 15th MAPC hearing, the hearing was deferred due to a lack of a quorum. At the April 29th MAPC hearing, the Planning Commission heard from several citizens, and continued the hearing for the area between St. Francis and the railroad tracks, but voted to recommend "CBD" zoning for the half-block area, owned by the City of Wichita and located at the southeast corner of Water and Waterman.

At the May 13th MAPC hearing, several persons spoke on this request again. The persons owning property in the rezoning area were split between leaving the zoning as it is currently or rezoning the property to "CBD." Most of the speakers with interests in the area south of Waterman seemed to prefer no change in zoning. Some of these owners expressed that their primary concern was not to become a part of the Old Town district where they might be subject to parking fees or other requirements. A representative of merchants in Old Town asked that a parking improvement district be established for this area similar to the one into which they currently pay to avoid the inequity of having businesses west of the railroad tracks take advantage of parking lots in Old Town without helping to pay for them.

After hearing from these individuals, the Planning Commission voted to retain the existing zoning. MAPC members expressed the sense that this area should not be "opened up" to allow further intensification unless and until the City develops more of a clear "plan" for where and how additional parking will be provided. They also noted that, in the meantime, any individual owner can still apply to rezone their property to "CBD" or to seek a parking variance from the Board of Zoning Appeals, and those applications would be considered on a case-by-case basis.

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| Council Member Cole | Council Member Cole said CBD zoning area should be kept small. Special arrangements can be requested. The City is placing priorities on providing parking in the area in the near future. |
| Council Member Pisciotte | Council Member Pisciotte said the area needs enhancement for development and it needs to be done comprehensively. |
| Council Member Cole | Council Member Cole said that, with the Eaton Developer approval, the City Council agreed to provide additional parking. |
| | It is hoped the Council will begin to look at the cost of purchasing property and making available additional parking, perhaps even with meters. |
| Chris Cherches | City Manager said the City is constantly looking for parking opportunities. Some parking is under-utilized. In the Century II, Main, Douglas area the City is always looking for parking. |
| Motion -- | Rogers moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by th4 MAPC, the recommendation of Staff be approved, subject to the recommended conditions. Motion failed 4 to 2. Cole, Lambke - No. (5 votes required) |
| -- failed | |
| Motion -- carried | Gale moved that this Item be deferred one week. Motion carried 4 to 2. Cole, Lambke - No.) |

(Later in the meeting Items 41 and 42 were reconsidered. Action is shown below.)

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 389

(Mayor Knight present)

Motion -- carried

Knight moved that Items 41 and 42 be reconsidered. Motion carried 6 to 1. Cole - No.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of Staff be approved, subject to the recommended conditions. Motion carried 6 to 1. Cole - No.

-- carried

A 99-10

A99-10 - ADOPTION OF A RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED EAST OF K-96 HIGHWAY, BETWEEN 21ST STREET NORTH AND 13TH STREET NORTH TO THE CITY OF WICHITA, KANSAS. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-562.

The resolution for consideration by the City Council establishes a future public hearing date of August 10, 1999 for consideration of a unilateral annexation. The properties proposed for annexation are located east of K-96 Highway, between 21st Street North and 13th Street North.

This is the second phase of a two-phase annexation. The first phase was officially approved January 29, 1999 and brought 312 acres into the City. The subject area of this annexation consists of approximately 34 acres and eight unplatted properties. The land-use pattern consists of two (2) residential tracts, four (4) farm related tracts, one (1) commercial tract and one (1) exempt tract designated as part of a cemetery. The majority of the area is zoned "SF-20" Single-Family Residential with a portion of the Lake View Gardens Cemetery zoned ? LC? Limited Commercial. Those areas zoned ? SF-20" will convert to the "SF-6" Single-Family Residential district upon annexation. The properties are located within the areas identified for new growth in the Land Use Guide Map in the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change.

The proposed annexation will allow for the continuation of the City's growth in the east part of Wichita. The residential properties located south and east of the Lanzrath Addition are served by Rural Water District #5. Lake View Gardens Cemetery is not currently served by the City or R.W.D. #5. All properties have access to a 36 inch City water main located in the 21st Street North right-of-way and a 16 inch City water main located in the right-of-way of 127th Street East.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area.

The total appraised value of the land and improvements proposed for annexation is \$1,590,450 resulting in an annual City Ad Valorem tax revenue of approximately \$5,831. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The cost of municipal services to be provided upon annexation will be funded by the operating departments currently delivering these services. Major municipal services such as local street improvements, water service may be provided to this area upon request by the property owners. Sewer service in the area is provided by Sedgwick County. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be mailed, by certified mail, to all owners of the property proposed to be annexed within 10 days of adoption, and the resolution must be published once in the official City newspaper not less than one week nor more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

JUNE 8, 1999

PAGE 390

Vice Mayor Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Pisciotte moved that the Resolution establishing a public hearing date on August 10, 1999, at 7:00 p.m. at the East Point Church of Christ, 747 North 127th Street East, Wichita, Kansas, be adopted. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. R-99-212

A Resolution declaring an interest in and establishing a public hearing date for considering the unilateral annexation of property located east of K-96 Highway, between 21st Street North and 13th Street North to the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers..

EXECUTIVE SESSION

Motion --

-- carried

Rogers moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to contract negotiations and confidential data relating to the financial affairs or trade secrets of a business, and the regular meeting be resumed at approximately 12:45 p.m. in the City Council Chambers. Motion carried 6 to 0. (Knight absent)

RECESS

The City Council recessed at 12:33 p.m. and reconvened at 1:00 p.m.

Mayor Knight present.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

(The Council reconsidered Items 41 and 42. Action is shown with the Agenda Items.)

ADJOURNMENT

The City Council adjourned at 1:00 p.m.

Pat Burnett, CMC
City Clerk